UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,393	10/20/2000	Thomas W. Kleinpeter III	AUDIO1100-1	8959

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EXAMINER
WINDER, PATRICE L

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/693,393	KLEINPETER ET AL.
	Examiner	Art Unit
	Patrice Winder	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
> THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2000*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance

with 37 CFR 1.67(a) identifying this application by application number and filing date is

required. See MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because: the oath refers to a provisional
> application which applicant has not been granted priority to.

Specification

2. The abstract of the disclosure is objected to because the first paragraph of the

specification references a provisional application which applicant has not been granted

priority to. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claims 1-5, 7, 9-16, 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Boyle, USPN 5,864,854 (hereafter referred to as Boyle) in view of

Chase et al., USPN 5,944,780 (hereafter referred to as Chase).

4.   Regarding claim 1, Boyle taught a system for exchanging files in a network

environment (abstract), comprising:

        a first software agent executed on a first user's computing system; at least one

additional software agent executed on at least one additional users computing system

(column 3, lines 4-14); and

        an agent server directs said first software agent and said at least one additional

software agent to establish a

direct connection between said first user's and said at least one additional user's

computing systems when files are to be shared between said first user's and said at

least one additional user's computing systems (column 3, lines 15-31,37-40, column 4,

lines 18-24).

        Boyle does not specifically teach specifically teach the first software agent and

the at least one additional software agent log-in. However, Chase taught an agent

server to which said first software agent and said at least one additional software agent

establish a connection when said first user's and said at least one additional user's

computing systems log in to said network environment (dial-up connection, column 3,

lines 51-61, connection established because central cache tracks user caches that are

available, column 4, lines 42-52). It would have been obvious to one of ordinary skill in

the art at the time the invention was made that incorporating Chase's agents

intermittently connected to an agent server in Boyle's agent system would have

improved system effectiveness. The motivation would have been to provide better

management of the user caches.

5.   Regarding dependent claim 2, Chase taught said agent server receives a list of

available files to be shared from said first user's and said at least one additional user's

computing systems when said first user's and said at least one additional user's

computing systems log in to said network environment (column 4, line 63 - column 5,

line 7).

6.   Regarding dependent claim 3, Boyle taught when said agent server receives a

file request from said first user, said agent server matches said request to at least one

additional software agent having said requested file (column 6, lines 40-51).

7.   Regarding dependent claim 4, said match is based on firewall type, subnet,

network or non-USA country code, and/or connection speed in order to minimize file

transfer time between said first software agent and said at least one additional software

agent (column 3, lines 51-57).

8.   Regarding dependent claim 5, Boyle taught said agent server directs said first

user's software agent to open a port on said first user's computing system to listen for a

connection and file request from said at least one additional user's computing systems

(function of accessing files using HTTP, column 1, lines 9-11, column 3, lines 60-63),

and directs said at least one additional user's computing system to connect to said first

user's computer system (passing URL to requestor, column 6, lines 41-51).

9.   Regarding dependent claim 7, Boyle taught said agent server directs said at least

one additional user's software agent to open a port on said at least one additional user's

computing system to listen for a connection and file request from said first user's

computing systems (function of accessing files using HTTP, column 1, lines 9-11,

column 3, lines 60-63), and directs said first user's computing system to connect to said

at least one additional user's computer system (passing URL to requestor, column 6,

lines 41-51).

10.   Regarding dependent claim 9, Boyle taught said network environment is an

Internet (column 2, lines 49-51).

11.   Regarding dependent claim 10, Boyle taught said first user's computing system

serves as a client and said at least one additional computing system serves as a server

to exchange said requested files (client request data, servers distribute data, column 2,

lines 37-47).

12.   Regarding dependent claim 11, Boyle taught said first user's computing system

serves as a server and said at least one additional computing system serves as a client

to exchange said requested files (client request data, servers distribute data, column 2,

lines 37-47).

13.   Regarding dependent claim 12, Boyle taught said first user makes said file

request via a GUI linked to a web server coupled to server system operable to execute

said agent server (column 1, lines 9-11, column 3, lines 37-40).

14.   Claims 6, 8 and 17-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Boyle and Chase as applied to claims 5, 13 and 18 above, and

further in view of Haff et al., USPN 6,219,669 B1 (hereafter referred to as Haff).

15.   Regarding dependent claim 6, Boyle-Chase does not specifically teach closing a

port. However, Haff taught if a first user's computing system receives an unexpected

connection attempt or file request/transfer said open port is closed (unauthenticated,

column 26, lines 35-53). It would have been obvious to one of ordinary skill in the art at

the time the invention was made to have incorporated Haff's closing an open port in

Boyle-Chase's system for sharing files because doing so would have improved system

effectiveness. The motivation would have been to improved system security.

16.   Regarding dependent claim 8, Boyle-Chase does not specifically teach closing a

port. However, Haff taught if at least one additional user's computing system receives

an unexpected connection attempt or file request/transfer said open port is closed

(unauthenticated, column 26, lines 35-53). For motivation for combination see claim 6,

above.

17.   The language of claims 13-20 is substantially the same as previously rejected

claims 1-12. Therefore, claims 13-20 are rejected on same rationale as previously

rejected claims 1-12.

Conclusion

18.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Crossley, EP 0254854 A2: taught a "node enabler" program for allowing a plurality of computers connected through a local area network to share both file resources and application programs on the local area network without modification to existing programs that were designed to run in a non-network environment;

McWilliams, WO 95/32573: taught a file transfer protocol wherein when an initiator computer polls a responder computer, the responder computer replies with a list of files which are available for transfer;

Srbljic et al., USPN 5,933,849: taught a directory based caching system, a user request for an object is received by a receiving cache; the receiving cache executes a locator function and provides a network address of a directory cache that stores the directory list for the requested object;

Casagrande et al., USPN 6,049,892: taught a process and apparatus for downloading data from a server computer to a client computer wherein the download is restarted automatically if a failure occurs; and

Delaney et al., USPN 6,374,289: taught a system and method for enabling data package distribution to be performed by a plurality of peer clients connected to each other through a network.

19.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is (703) 305-3938. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain Alam, can be reached on (703) 308-6662. The fax phone number

for this Group is official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is

(703) 305-3900.

PATRICE WINDER
PRIMARY EXAMINER